

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

April 11, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson  
DEPUTY CLERK**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION****DEONTA JEROME HICKS,**

Plaintiff,

v.

**STACY DAY, et al.,**

Defendants.

Civil Action No. 7:22cv00235

**MEMORANDUM OPINION**

By: Pamela Meade Sargent

United States Magistrate Judge

Plaintiff Deonta Jerome Hicks, (“Hicks”), proceeding pro se, filed this civil action under 42 U.S.C. § 1983. On March 9, 2024, the defendants filed a Motion for Summary Judgment, (“Motion”), and on March 11, 2024, the court issued a Notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975) (“Notice”). (See Docket Item Nos. 81 & 85.) The Notice gave Hicks 21 days to file a response to the Motion and advised him that, if he did not respond to the Motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading[.]” (Docket Item No. 85.) The Notice further advised Hicks that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the Motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (Docket Item No. 85.) To date, Hicks has not responded to the Motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTERED:** April 11, 2024.

/s/ Pamela Meade Sargent

UNITED STATES MAGISTRATE JUDGE